

APPEAL NO. 041114
FILED JUNE 21, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 7, 2004. The hearing officer determined that the appellant's (claimant) compensable injury of _____, does not include the claimant's hammertoe condition. The claimant appeals the hearing officer's determination based on sufficiency of the evidence grounds. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury on _____. The claimant had the burden to prove that her compensable injury extends to include a hammertoe condition. Conflicting evidence was presented on the disputed extent-of-injury issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. In the instant case, the hearing officer was persuaded by the medical evidence that the claimant's compensable injury of _____, does not extend to her hammertoe condition. In evidence is a medical report from Dr. M dated March 10, 2003, that states that he reviewed the medical records and opined that the claimant's hammertoe deformities are "an ordinary disease of life which is very common and is not related to her injury that occurred on _____." Although there is conflicting evidence in this case, we conclude that the hearing officer's determination is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Veronica L. Ruberto
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Robert W. Potts
Appeals Judge